

Law Offices of Mark K. Oto  
MARK K. OTO, SBN 100058  
255 North Market Street, Suite 260  
San Jose, California 95110  
Tel: (408) 993-0303

Attorney for Creditors  
Lawrence Wu and Mealea Men

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN JOSE DIVISION

In re:

MAIID MARHAMAT

CASE NO. 10-59396 SLJ  
CHAPTER 7

**REQUEST FOR HEARING AND  
OPPOSITION TO MOTION TO  
AVOID LIEN BY LAWRENCE WU  
AND MEALEA MEN**

Debtor.

### No hearing set

Creditors Lawrence Wu and Mealea Men (“Creditors”) hereby opposes the Debtor’s Motion to Avoid Lien on real property located at 18394 Montpere Way, Saratoga, CA 95070 (“Real Property”) on the following grounds:

1. Creditor holds a recorded judgment against the real property which awarded Creditors' money damages against the debtor but also required the Debtor to convey clean title to the real property to the Creditor. See Judgment attached the Declaration of Lawrence Wu. It is Creditor's position that under the judgment, Creditors are the equitable owners of the real

1 property. The judgment held by Creditors reflects litigation over a real estate purchase contract  
2 by which the Debtor sold the property to the Creditors.  
3

4 2. Debtor believes that the Real Property value is \$795,000.00 as of the date of the  
5 petition but offers no evidence of value, other than the debtor's opinion, for which there is no  
6 foundation and Creditors so object to such evidence.  
7

8 3. Creditors believe and thereon allege that there is equity to cover the Debtor's  
9 exemption and provide equity for the Creditors. And, as set forth above, Creditors do not  
10 believe that the Debtor is entitled to any exemption because he is not the equitable owner of the  
11 property.  
12

13 4. Creditors believe that the value of the Real Property is approximately One  
14 Million dollars (\$1,000,000.00) as of the date of the petition in 2010. Creditor purchased the  
15 real property from the Debtor in 2004 for approximately \$800,000. And the current estimated  
16 value is approximately One Million Five Hundred Sixty Eight Thousand dollars(\$1,568,000)  
17 pursuant to a Zillow valuation estimate. See Declaration of Lawrence Wu, filed herewith.  
18

19 5. Creditor request time to obtain a formal appraisal of the real property and  
20 requests leave of the Court to amend its pleadings in support of its position.  
21

22 6. Creditors request that the Court deny the Debtor's Motion to Avoid Lien because  
23 there is no lien to avoid. The recorded judgment does not constitute a lien per se but is likely a  
24 cloud on the debtor's title.  
25

26 7. This motion is based upon the Request for Hearing herein, the Declaration of  
27 Creditors filed herewith, and upon such other and further oral documentary evidence which may  
28 be presented at time of the hearing in this matter.  
29

30 8. Wherefore, Creditors Lawrence Wu and Mealea Men oppose the Debtor's motion  
31 and hereby request a hearing on the Debtor's motion to avoid lien.  
32

1 Law Offices of Mark K. Oto  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: October 25, 2017

/s/Mark K. Oto

Mark K. Oto  
Attorney for Creditors  
Lawrence Wu and Mealea Men

LAW OFFICES OF  
**MARK K. OTO**  
255 NORTH MARKET STREET  
SUITE 260  
SAN JOSE, CALIFORNIA 95110  
TELEPHONE (408) 993-0303